

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

QUINCELIA R. McCUISTON,)
Plaintiff,)
v.) No. 09-0557-CV-W-FJG
MICHAEL J. ASTRUE,)
Commissioner, Social Security)
Administration,)
Defendant.)

ORDER

Pending before the Court is defendant's Motion to Reverse and Remand for Entry of Final Judgment (Doc. No. 15).

Defendant requests the Court to enter a final judgment pursuant to Fed. R. Civ. P. 58 reversing the administrative law judge's decision and remanding the case to the Commissioner under sentence four of 42 U.S.C. § 405(g). Agency counsel requested that the Appeals Council of the Social Security Administration reconsider the Commissioner's decision, and upon review, the Appeals Council determined that remand was appropriate. Upon receipt of this Court's remand order, the Appeals Council will remand the case to the ALJ to further evaluate plaintiff's ability to perform past relevant work, and if necessary, to obtain supplemental vocational expert evidence to determine whether plaintiff can perform other work that exists in significant numbers in the national economy.

Plaintiff McCuiston objects to remand of the case, instead requesting the Court outright reverse the ALJ's decision on the grounds that substantial evidence supports a

finding that plaintiff cannot perform her past relevant work or any other work existing in significant numbers in the local and national economies. The Court finds, however, that further investigation may be appropriate considering the ALJ's decision was made at step four of the sequential evaluation process and there is no vocational expert evidence to support a finding that McCuiston could not perform other work in the national economy.

Based on the foregoing, the Court finds remanding to the agency to "bring its own expertise to bear upon the matter" is most appropriate. Gozales v. Thomas, 547 U.S. 183, 185-87 (2006). Accordingly, the Court **GRANTS** defendant's Motion to Reverse and Remand (Doc. No. 15). The Court hereby **ORDERS** that the Administrative Law Judge's decision is **REVERSED** and this case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

Date: 08/10/10
Kansas City, Missouri

/S/ FERNANDO J. GAITAN JR.
Fernando J. Gaitan Jr.
Chief United States District Judge